

[Article C] Justice through the Judicial System

In the United States, if you want to change the status quo you can make appeals in several ways. One is to seek legislative change through Congress. Another is to bring a case to court. Just as the Civil Rights movement utilized court cases like *Brown v. Board of Education* to enact change, so too did women and minorities in the military. There were two court cases that carved the path toward equal rights for women in the military: *Frontiero v. Richardson* in 1973 and *Owens v. Brown* in 1978.

Frontiero v. Richardson: Sharon Frontiero was an Air Force officer who sued for dependent rights for her husband. Frontiero had submitted an application for a housing allowance for her husband but was denied the claim. Rules at the time stipulated that for a husband to use dependent rights he needed to be “in fact dependent on her for over one-half of his support.” This meant providing financial documents that showed earnings for both spouses. While not a ridiculous notion, this same kind of financial scrutiny had never been required when a husband requested dependent rights for his wife. This situation showed the double standard and glass ceiling women faced in the early 1970s. It was assumed that men would be the primary bread winners even after women went to work. Thus it was assumed that husbands of military spouses should not be automatically eligible for the same dependency resources that were available to military wives. Frontiero took the case to court and challenged the constitutionality of the rule. Ruth Bader Ginsburg, current Supreme Court Justice, represented the Frontiero family as part of the American Civil Liberties Union (ACLU) case. In May of 1973 the case was decided in favor of Frontiero. Less than a month later, on June 12, 1973, the Defense Military Pay and Allowances Entitlement Manual was revised to allow female service members to claim their civilian husbands as dependents—regardless of conditions.

Owens v. Brown: In 1975 Yona Owens began a three-year struggle to overturn existing laws banning women from shipboard service. The Women’s Rights Project under the American Civil Liberties Union took on Owens’s case to sue the Navy for her right to advance her career at sea and ashore. In total, six women participated in the lawsuit, including enlisted women like Owens and Naval officers such as Kathleen Byerly (who had been featured as a Woman of the Year by *TIME* magazine in 1976). One of the other officers was a Navy pilot, Joellen Drag Oslund. Oslund was one of the first women allowed to attend Naval aviation training. After completing training she was assigned command of a helicopter. Because of the laws that barred women from command positions “at sea,” Drag-Oslund was not allowed to use her bird to make mail deliveries and hover over a ship or touch down on ships. When her squadron deployed, she was also not allowed to travel with them. These women, and many others, felt that the gender-based restrictions were unnecessary, outdated, and bordered on unconstitutional.

In July 1978 the District Court Judge ruled the law barring women from sea service unconstitutional. A Navy memo from after the decision states, “Women are welcome assets, not liabilities....” The memo suggested that contrary to the women’s equality movement belief, “women are different, despite propaganda to the contrary, and must be treated differently, not paternalistically or as inferiors, or with favoritism.” In the fall of 1978 women began to serve aboard ships. Owens had actually left the Navy before the court decision served her personally. However, many women were able to quickly capitalize on the opportunity, including Roberta McIntyre. Read the article on the back to gauge public opinion and concerns about allowing women on ships.

She's Eager To Be Making Waves As 1 Of 1st Navy Women At Sea

Observer Staff And Wire Reports

When the first women officers in history report for regular sea duty aboard Navy ships Wednesday, Ensign Roberta L. McIntyre of Charlotte will be among them.

Ensign McIntyre, daughter of Robert and Lois McIntyre of 6635 Brookmeade Dr., joined the Navy last November after graduating from Guilford College in Greensboro.

"I couldn't find a job," she said, laughing, Thursday when asked why she picked the Navy. "Actually, I had been thinking about the military for awhile. I love it. Everybody's so nice to you. They all help you any way they can."

The 23-year-old South Mecklenburg High School graduate is one of 55 women officers picked for sea duty. Of the first 10, six will go aboard on the East Coast, and only Ensign McIntyre and another woman will go aboard on the West Coast.

She is temporarily assigned to a Bachelor Officers Quarters in San Diego, where she was interviewed by phone.

Her first ship will be the USS Dixon, a submarine tender. Her duty assignment may include working as assistant navigator or in shipboard operations.

She has completed 16 weeks in the Navy's Surface Warfare School and four weeks in the Tugmaster and Harbor Control school.

"I'm pretty excited," she said. "I've been in training since March for this. They've been dangling it in front of my face like a carrot. I'm glad we're finally going to get it."



McIntyre

Meanwhile, Navy spokesman Capt. Paul Butcher said some wives "are concerned about the isolation of their husbands at sea with persons of the opposite sex."

Butcher said the Navy is trying to show wives that "when sailors go to sea, they are very busy people." By implication, Butcher suggested mixed crews would be too busy for romance.

Questions about Navy wives' attitudes arose while Butcher briefed reporters in Washington about plans to assign the 55 women officers and 375 enlisted women to noncombat ships for the first time.

The women-at-sea program will start next month after nearly two years of preparation and clearing legal obstacles.

The Navy hopes to increase the number of women on ships to 5,130 by 1984. That will be nearly 9 percent of the approximately 40,000 Navy women by that time.

Butcher acknowledged there has been no rush of women volunteers for sea duty. In fact, about one-fourth of the first 375 enlisted women were ordered to sea duty.

The Navy will spend \$10.3 million for women's sleeping and bathroom facilities on 55 ships, and women going to sea "will have the opportunity to qualify for every job, except the strenuous specialties of machinist's mate and boiler tender."

Until now, most Navy women have been confined to such traditionally female jobs as secretaries and medical aides.

Rules of conduct are being drafted, but Butcher said he couldn't envision restrictions on fraternization, including dating.

No penalties are contemplated for women who become pregnant aboard ship or anywhere else.